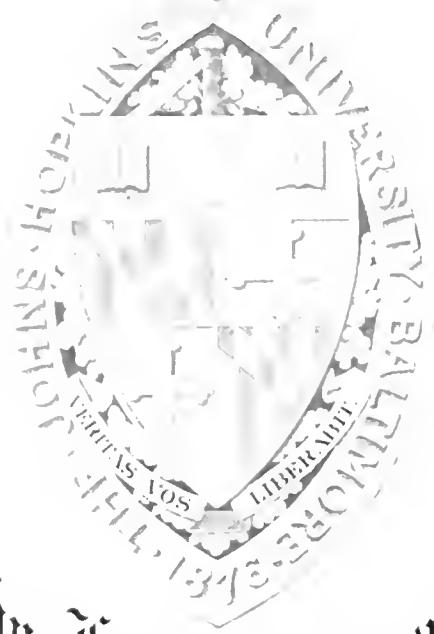


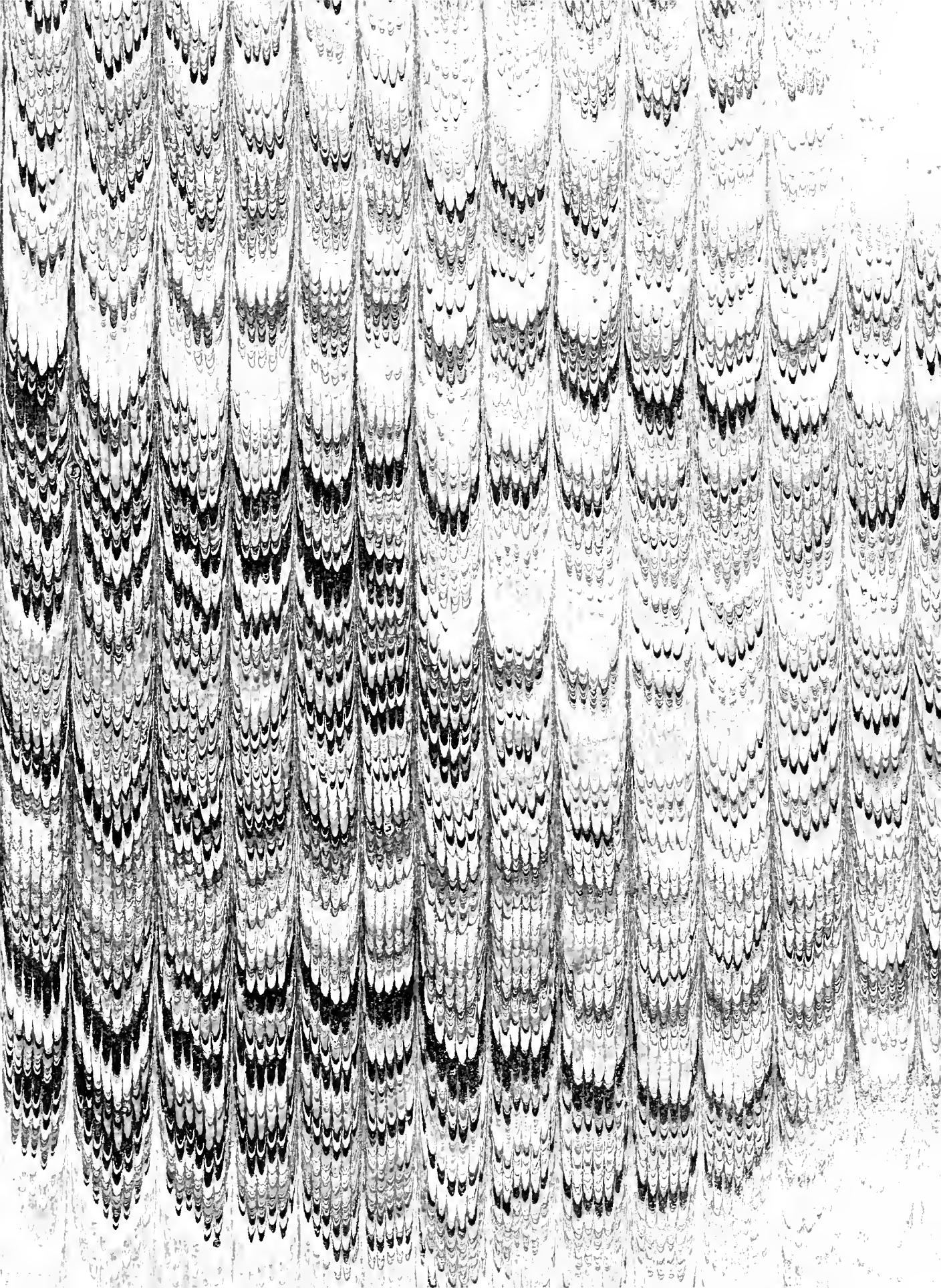
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John Hay in "memor."

A dissertation presented
for the degree of
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A P P E N D I C E S

Printed

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P R E F A C E.

The following pages have been selected from a larger essay which the writer has been preparing upon the general subject of Government in Switzerland, Federal, State, and Local. Consequently certain institutions, the operations of which are divided between two or more of these elements of the state, do not receive as full treatment in this part as they do eventually in the course of the larger work, and the impression of the condition of society is not complete. Yet it is hoped that the distinctive functions of the Federal Government have been clearly set forth and its relations to the two and twenty states in its charge sufficiently explained.

In the place of a longer historical introduction there has been inserted a paper which the author read before the American Historical Association, entitled "A Study in Swiss History". In this are described certain characteristic political ideas which have dominated the history of that country from the beginning, and which, now found in the institutions of the state, cannot be explained without a study of its annals.

The investigation of Swiss social and political institutions is eminently a study of survivals. That country has suffered very little in the way of artificial or theoretical forms of

Government, in its evolution, of its social structures have been changed almost beyond recognition yet the line of evolution can be distinctly traced and the fact made clear that its society has been built upon an historical basis.

The introductory sketch points out reasons why the Cantons were not sooner formed into a compact confederation, yet, in doing so, the steps are indicated which they gradually come into that relationship and advanced from a *Staatenbund* into a *Rundesamten*.

I N T R O D U C T I O N

A STUDY IN SWISS HISTORY.

Following up that sentimental interest which all Americans naturally feel in a sister republic, the writer was led, some years ago, while at a foreign university, to begin more extended studies of the history of Switzerland, with eventual publication in view. It is no longer necessary to rise to the "Defence of the Constitution," and exhibit to timorous countrymen the workings of successful republicanism, as did President John Adams so admirably, when our constitution was new: but it appeared to the author that the histories of Switzerland, written by foreigners, were for the most part undertaken by persons educated in a different school of political ideas, and hence unable to fully appreciate the aspirations of the Swiss people.

It seemed, therefore, worth while to attempt a history of the republic, which, other things being equal, might combine the advantages of being written from a republican standpoint, as well as by a disinterested spectator.

Brief residences in Switzerland confirmed the idea, and studies in this direction have since had at least a share of attention.

Meanwhile, at the suggestion and under the encouragement of Prof. Herbert B. Adams, a study of the present institutions of the country was also begun, with the view of comparing them with our own, under some such title as "Civil Government in Switzerland compared with that in the United States." It was hoped that an excuse for a small work of this description might be found in its usefulness to students of institutions.

Unique facilities for this work, considering the wide sep-

aration of the countries, are afforded by the library of the Johns Hopkins University, which, fortunately, possesses the books and many of the papers of the late Prof. Bluntschli, of international fame, who was not only a native of Switzerland, but an historian of its laws and institutions. To this the Swiss Government has of late generously added a large collection of documents, historical, administrative, and statistical, relating to Federal affairs since 1848.

With these materials it is possible at least to appreciate the work of native specialists.

The object of this paper is to present a brief historical explanation of one or two characteristic Swiss political ideas, yet to be found in their constitutional laws.

Many familiar facts in Swiss history will be repeated without further apology, for the purpose of showing their bearing upon these topics, and occasional references will be made to the experiences through which the United States have passed during the solution of similar problems.

The present Swiss Confederation is composed of twenty-two states, which call themselves "sovereign cantons." The Federal constitution enumerates its members by the same title; each of the state constitutions says, in effect: "This, under Federal supremacy, is a sovereign state," and each declares that the sovereignty within the state rests in the people as a whole.¹

This careful definition of the nature of the state, this striking emphasis upon isolation and individuality, is not a modern product of the study of the rights of man, but a phenomenon whose roots run deep into the history of Switzerland, and the nature of the Swiss man. Let us notice briefly the sources of what may be called this centrifugal force, and some reasons for its continuity.

Although Switzerland now employs three official languages, and at least four distinct tongues are spoken in various parts, it need hardly be said that the history of its government is a history of Teutonic institutions. German communities made the first confederation; Germans were

¹ Sammlung der Bundes- und Kantonsverfassungen, 1880.

the material with which it was for centuries almost exclusively increased. All other nationalities now included were, until ninety years ago, simply allies of the League, or still lower, subjects of the same. Hence the sources of governmental ideas, the political instincts of the race, are to be sought, not in many directions, but chiefly in that branch of the German stock which, at the opening of the fifth century, took possession of the country, never to be dislodged. As the Burgundians became Frenchmen in language and sympathies, we must turn to the Alamanni, and we find in that people certain traits conspicuously emphasized.

Ammianus Marcellinus, writing in the second half of the fourth century, states that the Alamanni were ruled by fourteen different kings, fully independent of each other, and connected by no common government. Occasionally, however, and for warlike purposes, they joined together under one of these kings, among whom there appear to have been different degrees of power or influence. At the end of the war, and an instance is given where even at the close of a battle, the authority of this general chieftain, like that of the English Bretwalda, expired, and the frail confederation fell asunder with the accomplishment of its end.

Nor should we infer that these kings were despots, for Ammianus relates that at the battle of Strassburg, about 378, the common soldiery demanded that the leaders dismount so they should not escape by flight in case of disaster. Chlodomar, who was for the time commander-in-chief, leaped from his horse and the others followed.¹

Such were the Alamanni before the Great Migration. Characteristic, also, was the conquest and settlement of Helvetia. A portion of these kings came with their followers over the Rhine into the northern part of the province, and each tribe apparently selected a place for itself.

But not only was there a separation of the clans, but there would seem to have been a general segregation of individuals. With true German instinct, the Alamanni avoided, if they did not destroy, the Roman cities with their contracted

¹ Wietersheim: "Gesch. der Völkerwanderung," III., 379/.

and hateful walls. They betook themselves with flocks and herds into the open country, and settled in small numbers in manors, hamlets, or villages.

Manors, or Höfe, were property of leading free men, who, selecting suitable localities, quartered about themselves only their slaves and tenants. These wrought out for them a hard, half-civilized, but independent existence. Here again the instinct of isolation exhibited its power. It has been estimated from studies of the names of places that in Canton Zürich alone over three thousand manors were settled in early times, against only about one hundred hamlets and some twenty villages.¹

I pass over the intervening history to the formation of the first Confederation. During the eight hundred years which have elapsed, the valleys of Schwyz, Uri, and Unterwalden have crystallized into feudal dependences with different conditions of personal freedom among the inhabitants and with different external allegiances.

Fragments only of the ancient unqualified freedom remained. Power to make law there was little beyond what concerned their common pastures.² Popular rights found expression in the application of law, in attendance at court, and in sitting upon juries in local trials. But though they might not elect their own judges, upon one thing they were agreed: they would endure no judge or governor who would not respect their local customs and traditional usages. In defence of this principle the three valleys, in extent less than forty miles square, and thinly inhabited, defied the armies of Austria. Their external overlordships were distinctly acknowledged, but, say the Articles of Confederation, "We have also, in general assembly and with unanimous consent, agreed, determined, and ordained that in the aforesaid valleys we will in no wise accept any judge who shall have bought this office for money or for any price whatever, nor one who is not a resident or fellow-countryman."³ They further agreed to settle difficulties between

¹ Meyer: "Die Ortsnamen des Kantons Zürich."

² Dierauer: "Geschichte," I., 84.

³ "Amtliche Sammlung der Eidgenössischen Abschiede," I., p. 241.



the cantons by arbitration, and if one repudiated the sentence of the referees the other states should compel obedience. There was to be also a common outlawry of criminals which should include all three valleys, but no common tribunal.

After 1309 the three cantons stand on the same level of imperial freedom. The charters of Henry VII. guarantee that "in no matter, or case at law, shall you be cited before the court of a temporal judge, with exception of the court of our majesty, outside the limits of the aforesaid valleys." This was the coveted *Jus non evocando*.¹

With this privilege the measure of local freedom was full. The valleys of the League knew henceforth no master but a distant and preoccupied empire.

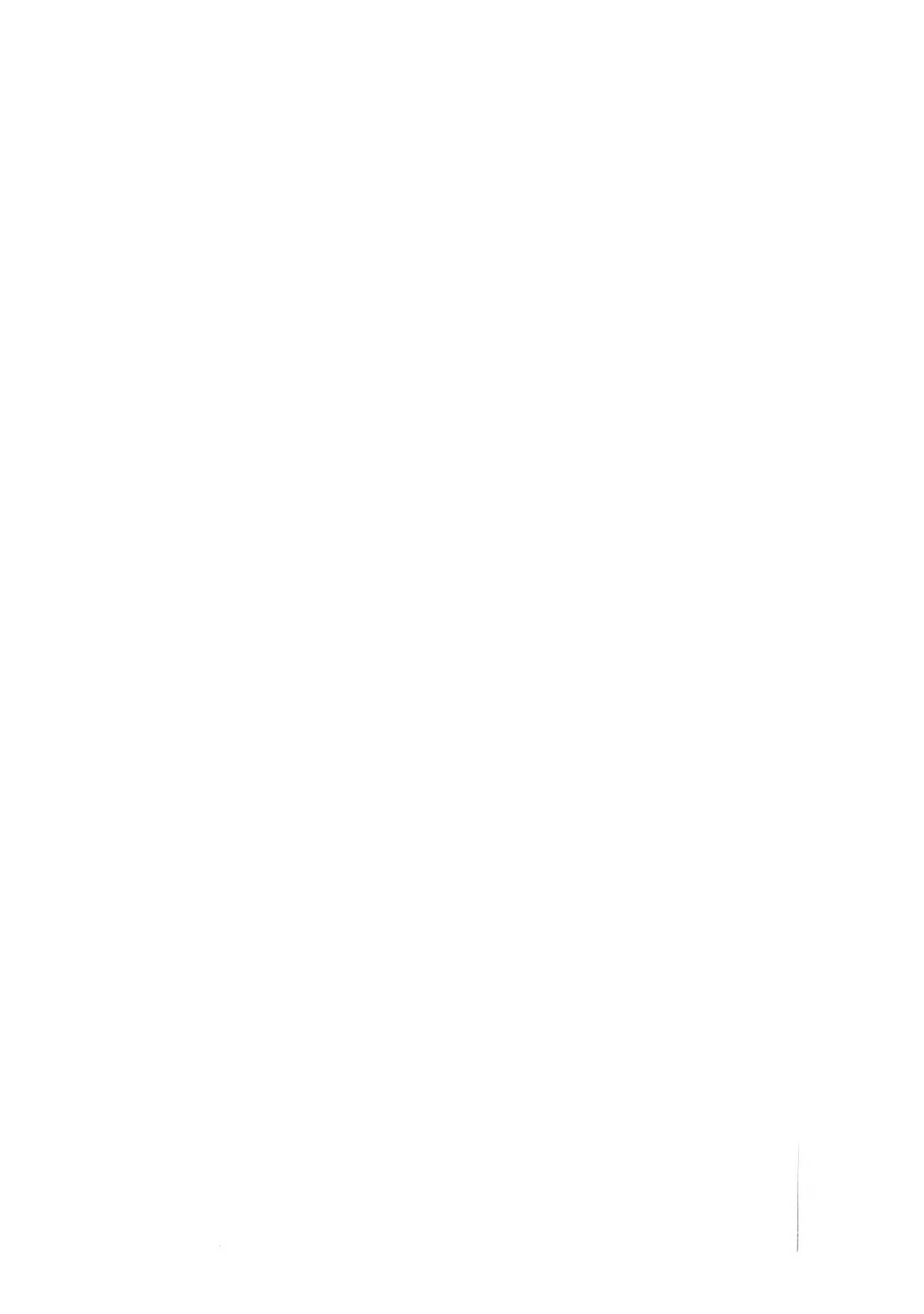
One by one other cantons were added to the Confederation. In 1332, Luzern—but in the language of the agreement, they said: "We reserve to our city and the council all their jurisdictions, and their customs in respect to citizens as well as strangers, as they have been handed down from ancient times." Likewise Uri, Schwyz, and Unterwalden: "We reserve also for ourselves, each forest canton in particular, within its landmark and borders, its jurisdictions and good customs, as handed down from ancient times."²

Twenty years later Zürich became a member, with the additional provision that in case the Burgomaster or Council of the city was threatened, the forest states should assist them to maintain their offices. But this was to occur when requested under the seal of either the Burgomaster or the Council, and furthermore, "let it be known especially that we have expressly established and required, in respect to all who are in this League, that every city, every land, every village, every manor, which belongs to any one who is in this League, shall continue undiminished in their jurisdictions, in their privileges, in their charters of freedom, in their laws, and in their good customs as they have hitherto conducted and brought them down, that no one shall injure or hinder another therein."³

¹ Kopp: "Urkunden," 103.

² "Eidg. Abschiede," I., p. 256.

³ "Eidg. Abschiede," I., 260.



Within the next three years Glarus, Zug, and Bern were admitted to the Confederation under similar conditions, and, as thus constituted, the League of Eight closed its doors for a century and a quarter.¹

It was an alliance of states for the purpose of warding off danger from without and maintaining peace and friendship within. What were the events which clustered about this League and the constitutional traditions which passed on with it to following generations of Swiss people?

In 1386 and 1388 the famous battles of Sempach and Näfels decided, although they did not bring to an end, the hundred years' struggle for independence. But at the same time the states which thus covered themselves with glory were united by an alliance in which only three were directly connected with all the others.²

It was after the manner of telephone service in which the three original cantons acted as the central exchange. When the later states wished the help of the League they called on the forest cantons, and the latter summoned the rest. There were some cross-connections, but in general the touch was indirect. So loose was the tie, that in this same battle of Sempach Bern refused to co-operate, though she repented later.

Power to compel obedience to the Confederation in external matters was authorized but invalid.

Fifty years later civil war broke out, and in 1450 was brought to a close in such a way that the question of a state's right to form foreign alliances found a solution. The balance of the League conquered Zürich and Austria combined. The Confederation was much strengthened externally thereby, but the occasion left no mark upon the constitution. Two great mutual agreements were enacted in the fourteenth century. In 1370 the so-called *Pfaffenbrief* declares that the confederates will endure no spiritual courts except in spiritual matters or marriage, and private feud is prohibited without permission of authorities. But the ex-

¹ "Eidg. Abschiede," I., pp. 273, 275, 285.

² Note the provisions for military assistance in charters cited.

ccution of this law is left to the place where the culprit resides.¹

In 1393 the *Sempacherbrief*, a general military ordinance was adopted, in which they endeavored to maintain better discipline in battle, regulate plundering, and in some measure temper the savagery of war,—in reality a remarkable monument in military history,—but that same document commands that cowards, deserters, or other breakers of its provisions, shall be tried by their own land or city, and if “one be found guilty before them to whom he belongs, and whose duty it is to judge, he shall forfeit his life and goods to them to whom he belongs and to *no one else*.²” In other words, federal law, but state trial and execution, even in national treason.

Between 1474 and 1477 the Swiss destroyed the most ambitious monarch of Europe, Charles the Bold; won the world-famous battles of Grandson, Murten, and Nancy; and annihilated the flower of chivalry; yet the general constitution of the country was the same disjointed artifice which had been framed for the League of Eight one hundred and thirty years before, strengthened only by usage and common recollections.

Soon after this the states were increased to ten, in an agreement in which all are parties, but the relations of the original eight are unchanged.³ This Confederation put down the Suabian League, practically severed Switzerland from the empire, and, in fact, for fifty years after the Burgundian war held the balance of power in Europe.

Three more cantons were taken in, Basel, Schaffhausen, and Appenzell. These were required to give aid when the Confederation carried on war against a common enemy, but in case of strife among the other cantons there was the remarkable provision that these three states should try to settle matters peaceably, and in case they failed and it came to war, they should *sit still*, let the others fight it out, and aid no party.⁴

¹ “Eidg. Abschiede,” p. 301.

² “Eidg. Abschiede,” I., 327.

³ Freiburg and Solothurn, 1481. “Eidg. Abschiede,” III., pt. I., p. 698.

⁴ “Eidg. Abschiede,” III., 2, pp. 1291, 1297, 1361.

This Confederation of thirteen states endured without change of actual members two hundred and eighty-five years.

National affairs were discussed in general diets, as, in fact, they had been from the beginning, but they were diets which lacked the very essentials of republican government—majority rule and power of execution.

Each canton sent two delegates but possessed only one vote. Resolutions passed, not by the consent of the majority of the states, nor even on the vote of nine states, as in our old Confederation, but only by unanimous agreement. Not only this, but delegates were expected to have the special instructions of the home government before the final vote. If these were not given in advance it was usual to defer consideration to an adjourned meeting, in order to allow consultation.¹ Having enacted a law, there was no power to enforce obedience. One state could, in the first place, block the most ardent desires of the whole Confederation, and even when unanimous consent was given, it often happened that one or more cantons failed to obey. Certain laws, for instance those against private foreign pensions and enlistment, though desired by all the governments, found no general obedience. In fact, it came finally to pass that the diets could make few unanimous resolutions other than in regard to the management of their common property.²

The Confederation grew weaker as it grew older. The states did as they pleased, and the national spirit decayed, but it was not altogether the natural outcome of cantonal sovereignty. Let us note a few things which caused this principle to be exaggerated, and then, as it were, petrified in national politics.

In a paper read before this Association last year upon the "State-Rights Theory in American Politics," it was stated that at a certain period of our history the question of

¹ Bluntschli: "Gesch. d. Eidg. Bundesrechtes," I., 395 f.

² Blumer: "Bundesstaatsrecht," I., 16.

pure state rights became overshadowed by larger questions of unequal sectional equilibrium.¹

The same phenomenon appears in the Swiss republic, and the wedge of sectional separation was entered when cities began to be joined to a Confederation of pastoral states. Lucerne and Zürich were allies, vitally necessary to the maintenance of the League, but they brought in with them germs of division which were unfortunately allowed to bear fruit. The jealousies of democratic and aristocratic cantons are too familiar to call for extended details.

At the beginning there was no question as to the equality of all the states, but the more rapid enlightenment of the cities, their superior wealth and intelligence, soon gave them a directing influence. The country states saw the city states bent on widening their borders, buying here, conquering there, attaining more respect in foreign eyes than themselves, and exhibiting ambition beyond their own simple desires. They feared the towns would some day seek to annex them. Nor was this distrust entirely unwarranted, for the aristocratic cities invariably treated their country possessions less favorably than the municipal.

Consequently the democratic states often resisted good national policy for fear of giving greater influence to the cities. This was why the League of Eight shut its doors for a century and a quarter. So long as the country cantons had five votes, counting the mixed district Zug, they refused to admit Freiburg and Solothurn, which would have strengthened the hands of the cities.

Secondly, the principle of state equality, not necessarily state rights, came painfully near wrecking the republic at the close of the Burgundian war. It had up to that time been customary to divide all conquests and booty of war equally among all the cantons engaged. Territory was not parted, but governed in company, each state taking its turn at furnishing officers, and all sharing in the surplus revenues. This equal division, however, met with the increasing protest

¹ Pres. Welling of Columbian University. See "Secretary's Report," Papers Amer. Hist. Assoc., vol. II., 72.

of the larger cantons, until, at the time the immense spoils of Charles the Bold were brought in, ill-feeling rose to a quarrel. On the one side it was claimed by the forest cantons that Bern had absorbed most of the territory for which all had fought, and on the other, by the larger states, that it was not fair that a little canton like Uri, for instance, should have an equal share with Bern, which furnished three times as many soldiers. Neither side would give way. Diet after diet failed to effect a reconciliation. Mutual reprisals and rumors of secret agreements added fuel to the flame. Civil war was about to burst out, when the words of one man, a pious recluse, Nicholas von der Flüe, laid the storm. He advised that lands be divided equally among the states, but movable spoils according to the number of men furnished for the war.¹ All parties accepted this very just compromise. The precious principle of state equality had been respected, and also there had been observed, for the first time in the history of the republic, the principle of numerical representation. But there the latter idea halted, and for three hundred years found no wider application. To the mountaineers, the founders of the Confederation, it seemed humiliating to have smaller voice in its affairs, and further compromise ceased.

Another separating influence was generated by the mercenary service. After the terrible defeat at Marignano, the Swiss refused, as a national undertaking, to fight any more for the benefit of neighboring powers, but would furnish recruits for their armies.² These were raised by the cantonal governments, and remained under their general orders in the field. Consequently, all the neighboring powers found it to their interest to create parties in these governments. They sowed pensions and dissensions right and left, and by thus working on the greed of men, fostered separation of interests among states none too strongly attached before. The

¹ The so-called Stanzer Verkommis, 1481. "Eidg. Abschiede," III., pt. I., 696.

² See, for example, the treaty with Francis I., 1521. "Eidg. Abschiede," IV., pt. I., 1491.

native agents assisted them in this by creating rather than removing obstacles, in order that more money might be passed through their sticky hands.

When reform was attempted the mountain districts refused to accede, and insisted on their state rights.

Religious dissensions, also, following the Reformation, tore the frail Confederation into shreds, set region against region, canton against canton, and parted solid states.

The aggressiveness of both parties, upheld by the fervor of faith, caused suspicion and fear to arise between neighbors who had every reason for unity. Each canton clung jealously to its own individuality and ancient customs for fear that religious fanaticism would blot them out. Every now and then the republic would be split up into smaller confederations for the purpose of maintaining the rights of state sovereignty. Thus by these sectional strifes the idea of isolation was handed on, gaining strength as it went and becoming more and more a political instinct of the Swiss people.

In short, what the foregoing has attempted to convey is this, that the whole political education of that nation, from earliest times down to 1798, taught that states should manage no local affairs but their own.

In time of danger the sentiment of union, the necessity of mutual dependence warded off destruction, but the bonds of the Confederacy, like the ropes which bind adventurous travellers on Swiss mountain tops, were laid aside upon the level ground of local politics.

The nation was bound together by a glorious chain of memories, traditions, heroisms, sacrifices, but in the very battles for existence every man fought under the banner of his own canton, followed the regiment of his own district, kept step with the company of his own hamlet, or died beside his brother, son, or friend. This was the ancient German instinct and this the language of the war ordinances of the republic: "Let every man stand by the flag of his own land or city, after the manner of the fathers."

It came to pass that baser motives also weakened national

union till it hung by a single thread. Our own republic was nearly divided on a question of human property. The Swiss Confederation, on the contrary, was for a long time almost solely held together by the common ownership of subjects. The regulation and division of profits of territories held in partnership, where the people, though not slaves, were unequivocally subjects, came to furnish almost exclusive occupation for the federal diets. It was for the interest of the states to remain in the partnership, equally their interest to be individual, to enjoy a share, and to admit no more states to the union that this share be not diminished.

Towards the end of the 18th century the evils of this lack of union were recognized on all sides.

In 1798 the remedy arrived. A consultation of French doctors sat upon the case of Switzerland. Having rejuvenated France, the Paris revolutionists proposed to reform the rest of the world. Switzerland must be made a unit state, and so it was. The ancient cantons, cradled in independence and grown old in isolation, were suddenly transformed into departments of a single government and called the Helvetic Republic.¹

Not only that, but the forest states, proud originators of the Confederation, were lumped into one department, with the avowed purpose of gerrymandering out of power any democratic opposition to the new order of things. Bern, the greatest of the aristocratic cantons, was divided into four, and the subject territories erected into departments having equal rights with the others, much to their own delight, but to the great chagrin of their former masters. The state was to be ruled by a governor, a directory, a senate, and a great council, and the departments by a host of prefects, sub-prefects and officers never before seen in Switzerland, and all of them with unheard-of salaries. Swiss citizens were compelled to fight in French wars, in which they had no interest, and if they objected to this kind of government, French bayonets stood ready to convince them of its excellence.

¹ Constitution in Bluntschli: "Bundesrecht," II., 305.

The public moneys, of which some of the cantons had a huge store, were squandered, state property alienated, and a debt of 20,000,000 francs saddled upon the country. The Swiss grew tired of the new régime, and after a five years' miserable existence, it was chased across the border.

Napoleon Bonaparte by the Act of Mediation restored a large measure of the autonomy of the cantons, but left a central government much superior to that before the revolution.¹ Yet this improvement was accompanied by more French soldiers, by a forced dependence upon France in commercial as well as political matters, and by loss of territory at strong strategic points, which Napoleon thought would be more useful to him than to the Swiss. The new constitution contained a definition of powers found in the American Articles of Confederation, but discarded by the makers as well as by the amenders of our present organic law: "The cantons enjoy all the powers which are not *expressly* delegated to the Federal authority."² Yet under the dragonlike protection of France this was not an unmixed enjoyment, and such unity had little to recommend it to the patriotic citizen.

The fall of Napoleon was the signal for reaction. The greater cantons demanded a return to the old status and their ante-revolutionary supremacy. The relapse would have been worse had it not been for the allied powers, who would guarantee neutrality only on condition that the new cantons be maintained and free.³

The period from 1815 to 1848 was one of gradual political enlightenment, but the structure upon which improvement was made began with the words, "The twenty-two sovereign cantons of Switzerland," and finished its articles without an expression containing "Federal authority."⁴

Article 8 says: "The diet undertakes the management, according to the regulations of the treaty of Confederation,

¹ Bluntschli: "Bundesrecht," II., 322.

² Acte de Mediation, Chap. XX., Tit. 12. Compare with Amend. X., U. S. Const.

³ Vienna Congress, Art. LXXIV.

⁴ Bundesvertrag, 1815. Bluntschli: "Bundesrecht," II., 358.

of such matters as are laid upon it by the sovereign States of the League. It consists of the delegates of the twenty-two cantons who vote according to their instructions. Every canton has one vote which shall be made known by one delegate." They had, however, advanced to majority rule, and two-thirds could declare war.

The steps toward closer union during this period were many, but were the result of political renaissance taking place first in the cantons themselves, a realization of nineteenth-century necessities, and took the form of treaties among the states rather than of amendments to the general constitution.

Concordats,¹ on the laws of commerce, postal service, validity of marriage, and other subjects, showed the value of more centralization and wonted the people to its presence. But it needed the fright of one more danger to compress the republic into its present form. The Catholic secession of 1847-48 came so near to success, that the people gladly gave more power to the Federal authority, and in 1848 a constitution similar to that of the United States was framed which stands as the basis of the present revision of 1874.

Switzerland obtained its final union sixty years later than the United States, and yet remains behind them in central power; but, in consideration of what has been said, in consideration of national instincts, national experiences, and political education, is it any wonder that the words "sovereign state" should be conspicuous in its constitution? All the elevating memories of the national history, all the inspiring traditions which had been bred into national sentiment generation after generation, were connected with a league of states of almost insulated independence. The darker periods, when fraternal feeling lost its hold, and when disunion received its just reward, were enveloped in motives, religious, ambitious, or pecuniary, which are so deeply wrought into human nature that isolation, once engendered, easily perpetuated itself, grew deeper, and fastened itself into the national habit of thought.

¹ Bluntschli: "Bundesrecht," II., 388-423.

Then when solidarity was first offered, the form of it was so historically crude and so rudely forced upon the country, that, although common misery broke down many old prejudices, love for unity could hardly come out of it.

Reaction was a most natural result, and it needed the economic as well as the political advancement of this century to bring the state to its present form.

It is usual, in summarizing the history of Switzerland, to trace the growth of the federal idea, the tentative steps toward centralization. That is perhaps the more grateful task. But the opposite side of the question has been chosen for this occasion, in order to explain the existence to-day and the continuity from time past of a trait of character which has played a vital part in the evolution of that state. Confederation was the means of its greatness, but behind that, the motive to union, the mainspring of political combination, was desire for local independence. Without it the Swiss republic would not have existed. At the beginning there would have been nothing else to fight for. Later on there would have been no reasons for wider combinations, and although it was at times sadly abused, the Swiss people, as they look back over the history of their neighbors who fell under the power of dynasties, may thank fortune that the principle was preserved.

There are several other constitutional provisions which are accounted for by this same idea. The federal government is not allowed to keep a standing army. The situation is almost exactly the reverse of that in the United States, for the cantons are permitted to maintain three hundred standing troops each. The federal government, however, has a monopoly of powder manufacture and assumes control of all armies in time of war.

The Swiss conception of the national executive is also a natural survival. While we have gone so far as to say that the administration is vested in a single man, the Swiss republic, although it also has a president, declares, in Article 95: "The highest executive and directorial authority of the Confederation is exercised by a federal council composed of

seven members." The president is selected from one of these by the federal congress.

Central authority in Switzerland since the birth of the republic has always been vested in a committee, and in a committee it is to-day.

That peculiar veto power known as the Referendum in its present form is a modern invention, but the principle behind it is as old as the nation.

The word comes from the usages of the old federal diets, in which, as said above, the delegates did not decide matters themselves, but voted *ad referendum*, and submitted their actions to the home government. Where pure democracies continued, all law-making, of course, remained with the people, but in the more or less aristocratic republics it escaped their hands. The power to decide upon organic law was the first to be recovered. When an amended Helvetic constitution was submitted to popular vote in 1802 this was accomplished. The power to veto an ordinary law made by representatives was established for the first time in modern days, in 1831, in the Canton of St. Gall.¹ It was a compromise between the party which wanted to establish pure democracy, and the party of representative government. They agreed that, if enough citizens desired, any law could be submitted to the people. This was a triumph of democracy beyond the dreams of Rousseau. He had little hope that in his rigorous country true self-government would ever exist. The land was too large and too cold for town-meeting legislation. But by this happy thought, the citizen has been enabled to make or unmake the most important laws of his country, statutory as well as constitutional, without leaving his own village, or standing out in the cold.

It is, however, only the same old Swiss voter of centuries ago telling his member of the diet to conclude nothing important without his consent. The custom has since spread so that nearly all of the twenty-five governments in Switzerland have some form of Referendum.

The position which Switzerland occupies as a neutral

¹ Th. Curti: "Geschichte der schweizerischen Volksgesetzgebung," p. 128.

State, with liberal institutions, in the midst of countries less favorably endowed, is one which attracts our sympathies. We pride ourselves in our land of the free, the refuge for the poor and oppressed of every clime. Switzerland shares this mission with us, and has long been a retreat for the dissatisfied and the exile. But more than this, its central situation, combined with its neutral politics, has given it an international function which is interesting to note. Uncontaminated by the ambitions of its neighbors it offers to contending nations a quiet spot in which to settle their disputes by the peaceful means of arbitration. It is not only a place of occasional conventions, but also the established centre of a host of continuous international agreements, commercial treaties, the universal postal union, the telegraphic union, and others, which render peace and freedom necessary, and therefore secure within her borders. A poet might look forward here to see the parliament of man, but the historian, looking back, will find again the ancient Alamanni.

They tell us now that this name comes down from "Alah,"¹ sacred groves which once existed in primeval Germany, and formed a central gathering-place for the tribes of the Semnozes. Here the nations, born to war and nurtured in contention, met on holy ground. Here strife was laid, and bound by ties of one religion they joined, if only briefly, in common reverence of higher things.

These Alah-men moved on. Their country was for centuries a scene of war, but now again in these last days it is a place where swords are sheathed, a sacred spot, an oasis of peace.

After the reading of Mr. Vincent's paper, ex-President Andrew D. White of Cornell said, by way of discussion, that the paper pleased him because of the comparative method used in it. He thought it very desirable that students and others should be led to compare the institutions of other countries with those of the United States in order to get new ideas. Travellers in Switzerland found that in many things they do better there than here. Roads, for in-

¹ Dändliker: "Gesch. der Schweiz." I., 84, note.

stance, were greatly superior to those of New York State, where it is said the middle of the road is the most fertile part of the country, since it is annually plowed up.

In educational matters, also, they had a way of doing things at once instead of waiting for some one to give the money and keep his grasp on the interest of the country for centuries after he is dead. The speaker was reminded of other curious survivals which the paper would doubtless have mentioned had time allowed. Especially the curious combination of feudal with democratic ideas in some of the most purely democratic cantons. He said that he visited last summer the Swiss ambassador at Berlin, who resides at home in Appenzell. In this canton the laws are made by popular vote, and they elect every year a landammann or governor. In the house of this ambassador he saw three swords hanging over the shield, which had been the State swords of his grandfather, father, and himself when they were landammann. The son also when addressed as the young landammann took it also as a matter of course, a natural state of things. It was a curious mixture of democratic government following family lines. He hoped that the writer of the paper would continue his studies in the lines indicated, and wished also to see in all our universities schools of comparative legislation such as Laboulaye had in France for the study of the methods by which various countries had tried to solve political problems.

THE FEDERAL GOVERNMENT AND
THE CANTONS.

The Swiss Confederation is composed of twenty-two states with different and important populations. Three of these are divided into "half-cantons", or half-cantons, so that altogether there are twenty-five governments within the boundaries of the territory. In extent they vary from 774 square miles for the largest to $\frac{1}{4}$ square miles for the smallest, and, in population, from 553,000 to 17,000. Altogether the Confederation covers about 1,583 square miles of territory, or about as much as the states of Massachusetts, Connecticut, and Rhode Island, together with Long Island, and contains about 3,000,000 inhabitants.

Differences in the physical character of the various parts of the country are also very marked, causing differences of occupation to the inhabitants, variations in personal characteristics and habits, especially in early times to different ideas of government in society. Differences in language also, arising from the settlement of Helvetia after the fall of Rome and perpetuated by the rural origin of the country, have emphasized the various political institutions and given to the institutions of Switzerland an unusual diversity, which, however, is disappearing under the influence of rapid communication, and a interest as well

as of difficulty to the study of its history.

As indicated by the name, the form of government which binds these diverse elements together is not that of a Unitary State in which the Cantons act as administrative divisions, like the departments of France, but it is a Federal State, in which certain powers are delegated to a central government while the rest are exercised by the individual parts. In this it resembles the United States of America, but with certain minor differences which will appear as we proceed.

The Cantonal constitutions, and the Federal as well, declare with one accord that "the Cantons are sovereign in so far as their sovereignty is not limited by the Federal constitution, and as such exercise all rights which are not delegated to the Federal power". They might perhaps be more strictly defined, as autonomous states, united, for purposes common to all, in a central government; the sovereignty residing in the people as a whole, but finding two modes of expression, one for local, the other for general purposes.

They were formerly sovereign states and lived under a league like so many foreign powers, but when they joined in 1848 in forming a Federal compact, they came, like the United States in 1788, into a new state which seemed but a natural growth from the old, but which mocks at precise definition.

The line of demarkation between the functions of state and nation is not so strictly defined in Switzerland as in America. In the United States the powers given to the Federal government are wielded by it exclusively, but in Switzerland it will be seen that the Cantons in some cases join hands with the central government in exercising general functions. This is the case in the organization and maintenance of the army. Cantons are also allowed to make treaties with foreign powers on minor matters, whereas in America the Federal government is the only treaty making power. Differences will be noted in other branches of state, but, it may be said in passing, that a tendency toward centralization is distinctly visible in the history of administration since 1848. In fact whole fields of legislation which were not thought of at the formation of the constitution in 1848 have been almost by necessity given over to the central power.

The foremost point of contact between Confederation and Canton will be found in the guarantee by which the former sustains in each state its territory, its sovereignty, the rights and privileges of its people and citizens and the rights which its people have delegated to its authorities. The Federal government of the United States simply guarantees to each state a republican form of government, with no mention of its name, size, or boundaries, but the peculiar fact will be noted in the Swiss constitution that the

Cantons are all enumerated by name as twenty two sovereignties which compose the confederation, with the result that no enlargement can be made, either by addition from without or by subdivision within, without an amendment to the constitution, or in other words by general consent. In case a foreign state threatens to deprive a Canton of part of its land resistance is thus made a Federal matter. The question of additional members of the confederation did not, at the time of the formation of the constitution, depend on the development of large unclaimed territories in the vicinity of the states, but had already long been practically settled by the events of history and the divisions of nationality.

Again, when states revise their constitutions they must submit the amendment or revision to the inspection of the central government, and if the two houses of the Federal Assembly agree that nothing therein contravenes the Federal Constitution, then, and not before, can the act take effect. If there are defects of this kind in the instrument they are pointed out in the legislative report and the result is, that, although the state may not expunge the objectionable clauses at once they are regarded as void. Comments are also sometimes added respecting doubtful clauses to the effect that they must not be interpreted to mean this or that, thus forestalling any future or hidden strain upon the Federal constitution.

The control over the states over the state legislatures is thus made much more direct than in the United States, where the Federal power through its Supreme Court, exercises a right of veto on state constitutions, but instead of pronouncing in advance, waits till some person has suffered and a concrete case at law comes before it. This method is in theory as effective, but more circuitous and tardier in action. In both cases, however, this control is not the arbitrary interference of a central administration, but is based on a contract to which all originally agreed. The Cantonal constitutions must themselves assure to their citizens the exercise of political rights according to a republican form of government either representative or democratic, and must be subject to revision whenever a majority of citizens demand. Consequently a similarity of institutions is provided but with wide scope for individuality in local government. It would not be possible for any state to erect itself into a principality, nor to exclude a large number of its citizens from the exercise of political rights without invoking the interference of the Federal Government.

In order to make its own guarantees effective the central power must have a monopoly of the corrections of its constituent parts. Hence every other political alliance between the Cantons is forbidden. They may make agreements on matters of administra-

tion or internal legislation of common interest, not contrary to the general constitution, but nothing like treaties of offense and defense can be tolerated. Such provisions might well be expected in the constitution of the Swiss. Nothing is more glaring in the history of that country than the evil of separate alliances.

Ever since the time ten cities were first joined to a Confederation of rural states there has been a tendency to combine into separate leagues. The religious animosities which rose out of the Reformation strengthened these centrifugal forces till finally the secession of 1548 brought the country to the verge of ruin. Aroused by the danger so narrowly escaped the Swiss at once formed a central government worthy of the name, and settled once for all the question of separate alliances of states.

As to dangers from internal disturbance either between the individual Cantons or insurrection within a state, the Federal government has a certain power of intervention. The Camon threatened shall at once advise the Federal Council of its pre-
cident, and the latter shall take such measures as it finds necessary or convolve the Federal Assembly. In case the Cantonal government is not in condition to invoke in the Federal authority to intervene without a requisition, especially when such a disturbance compromises the safety of the country. But such distur-

bodies are in a measure to be stalled by the government in the event of a
not to take arms, as found in Article 14. "The Cantons are
bound, if such arises between them, to withhold themselves from
the taking up of arms or any measures of self-help and to submit
to the Federal decision".

As stated in the second article of the Constitution, the
object of the Confederation is to maintain the independence of
the Fatherland, to uphold peace and order within its borders, to
protect the liberties and rights of the citizens and to further
the common welfare. To this end, exclusive jurisdiction was given
the central government in certain fields of law. Foremost among
these naturally stands the relationship of the state to foreign
powers. In peace or war the state to be offensive must act as
one. Hence the Federal government alone has the right to declare
war and to make peace. Hence also has it alone the right to enter
into international agreements and treaties of a political or com-
mercial nature.

The apparent limitation to the treaty-making power,
mentioned above, where Cantons are allowed to make agreements with
foreign states on certain administrative matters is overshadowed
by the provision that the official correspondence on such affairs
shall be carried on by the Federal cabinet.

Although the Federal government cannot maintain a stand-

in every, but depends on the continent its Cantons, — it controls the forces of war by the provisions that all legislation on this subject shall proceed from the central power. While the Cantons assist in the execution of the law, the whole question of military instruction, exercise of weapons, of manufacture of powder and in event of war the command of the troops rests with the Confederation.

Looking inwardly, the powers of the Federal government will be seen to affect the community in three general ways, first, through influence upon the government of the Cantons, second by laws which indirectly act upon the general public, finally by contact with the citizen himself. 1

1 The exclusive powers of the central government are further treated in the chapter on The Confederation and Society.

THE SWISS NATIONAL REPRESENTATIVE.

The legislative powers of the Swiss Government are invested in a Federal Assembly composed of two chambers which represent the Swiss confederation, as the National Council and the Council of States. The more numerous body is the National Council and occupies a position similar to that of the American House of Representatives. Its members are chosen by districts numbering 10,000 inhabitants, or fractions over 10,000. Every such a district sends one representative and has a chosen one. Swiss citizen not of the clerical profession. ⁴ The apportionment is made according to a decennial census and the number of members has increased since 1850 from 120 to 144. The districts must lie entirely within one or borders, hence sectional representation receives its due acknowledgement, through the fractional districts. ⁵ For there is no great difference between the Cantons which regard to the number of representatives. Bern sends twenty, even districts Uri, Zug, the half-cantons Obwalden and Nidwalden and Appenzell-Innerrhoden but only each.

⁴ This provision is aimed especially at the Jesuits. Their these activities in Swiss politics formerly met with much opposition.

⁵ Election legislation is not unknown even in Switzerland. The cutting of districts in half-party proportions, or what is known there as "Electional district geometry" (Kantonalgeometrie) has been tried, but only in small measure. Publ. Oberstallamt, 1877, p. 11, 12.

The election is open to any Swiss citizen who is twenty years of age and otherwise capable according to the laws of the Canton of his residence notwithstanding. The term of office is three years and the whole body is subject to recall at the end of the same. ⁴ The members receive payment for their services out of Federal funds according to the amount of attendance. The rate at present is twenty francs per diem with mileage. ⁵

A President and Vice President of the Council are chosen at every session, neither of which offices can be filled by the same person during two consecutive sessions. The President has a casting vote when the house is equally divided on a measure, but in elections votes like any other member.

The Council also elects from its own number four members, who with the President and Vice President form what is called the Bureau. To this Bureau is entrusted the nomination of most of the committees, the business of looking after the employees and their encampments and certain other matters.

Two ordinary sessions are held every year beginning on

⁴ Elections for Nat. Council must take place in all districts at once on the last Sunday in October, by secret ballot.

⁵ Mileages are fixed by an official "Distance Gazette" which includes almost every road in Switzerland. The rate is 20 centimes per kilometer such way with 10 cent. per kilometer additional for mountain passes.

the first Monday of December. The sessions proceed in the Federal Council (Cabinet) or if this is unable to be done, in a committee of one-third of the members of the Council itself, or in a committee of five members.

The record of proceedings is kept by the Federal Chancellor or his deputy. This officer is elected by the two houses combined for the same term of three years, and is responsible for the records of both. Not being also Secretary to the Federal Council and having other duties which will be mentioned in their place, he occupies a different position from that of the ordinary, parliamentary, secretary. His functions are more like those of the Secretary of State in the American Commonwealth with the additional duty of keeping the daily records of the two houses of the Assembly. This is a certain link to the whole administration of the empire.

THE COUNCIL OF STATES.

Within the walls of the old system of government by a Diet of spiritual and lay estates finally became unmentionable it was resolved to adopt the bi-cameral system which had been so long in operation in England and America, and for longer or shorter periods in other countries of Europe. The basis for such a division could not be the same as that in England because the constitution at the same time declared that there should be no distinction of classes in the Confederation by reason of birth, title or privilege. Hence the American plan of representing the States as such in a house by itself came nearest the condition of things in Switzerland.

The Canons are represented by two delegates each, making forty-four in all, the number of election and term of office and the amount of compensation being determined entirely by the states themselves. Thus a great diversity of methods obtains in these particulars. In some Canons the delegates are elected by general popular votes, in others by the legislature. The term of office varies from one to three years and the same being likewise variable the liability of continual change in the personnel makes up of the Council.

This an assembly which fully represents the state -ments idea has been formed but without the regulation of communication,

President in course of his mission, nor that which long tenure and ability in legislation should not all clothe a Senator.

Owing to this fact the President in political life prefers to sit in the National Council and consequently the center of gravity in federal affairs is to be found in the lower house.

The organization of the Council of States is similar to that of the National Council, having a President and Vice President chosen at every session.

F U N C T I O N S O F T H E F E D E R A L A S S E M B L Y.

In general terms the Federal Assembly takes into consideration all matters which lie within the province of Federal government. When the particulars are inquiries into it will be seen that in addition to legislative duties it also has certain administrative and judicial functions. The Assembly not only maintains an oversight of the other branches of government but elects the officials who carry on the work. The Federal Cabinet, the judges of the Supreme Court and the Chancellor, or Secretary of State, all owe their positions to the vote of the Legislature.

It acts as a judicial body as a last resort in deciding on complaints against the Federal executive and on questions of

comprise but in different departments of a government. Its principal legislative functions include laws upon the organization and direction of Federal officials, their emoluments, treaties with foreign powers and ratification of conventions among countries, the annual financial appropriations and more fundamental and all other powers necessary. Constitutional Government is to be advised, often a popular vote demands.

When acting in legislative capacity in either house a liberal majority, one more does not obtain a majority of votes in both becoming laws, by the calling Federal officials presiding as a court of justice the members of both houses are decided by a majority of all the members combined.

Personal immunities, liberty of election in voting are guaranteed. No positive instructions can be given to a representative in either house, by his constituents. Inviolability of person and freedom from arrests, except for crime, during term of office are further safeguards placed above the legislature.

NOTE. - The main kind of responsibility is said to be placed upon members of the Council of State in cases where they are called by Canadian legislatures. This latter body sometimes requires their members to give an account of themselves and their enterprises an ex post facto control. Law on the subject, Ant. Salg. 2, 116. Wolf's Collection p. 20.

THE COMPUTER OF PUSHING.

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Proposed Changes in the Code

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14. The proposed changes in the Code of Civil Procedure

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re, in the official language, to the Föderal Council. The Föderal Council may have a discussion of the bill and its provisions in note-taking or sent from the report, and then upon the debate open.

Members address the House from their places, and may speak to the motion not more than three times. 1 Those who desire to take part may give their names to the President after the debate is opened and he is required to keep a list of those in the order in which enrolled and repeat the name accordingly. Members may use either the Föderal, German or Italian languages as well as Swiss and art to know a list of the speakers if any one so requests, the Translator, a functionary who assists the Secretary, must give the subscriber of address a name. The debate may be left open single-bell, double-bell, a vote, by ballot, or kept open so long as any member who has not yet spoken desires to make a speech and to claim it.

When a bill is brought for discussion the ordinary procedure is to first decide whether the subject will be entered into at all and if decided affirmatively to discuss the project at once either as a whole or article by article. That for changes in Federal private law (Civilrechtsverordnung) special regulations are in force. Having decided to enter into the subject and then to 1 It is forbidden to read speeches from manuscript.

and in this view they are in a position to do what is
properly done. The Council will then be in a position to
make out a condition of fact, in a case, that will sign
for a long time to come, and if held up for a long a time, and the
conflict's which may in haste be overlooked can be corrected by a
Court of Inquiry, who are engaged in the execution of all classes of
law, and can place the demands of the Assembly in logical rea-
son.

Committees are appointed to examine bills of all
kinds, and bills are referred to them, relating to security, but by
vote of the house in each case. In these committees may be chosen
by the chamber by open or secret vote, or the appointment may be
left to the Bureau, mentioned above which consists of the Presi-
dent and the four tellers. According to a rule of the Council of
State all committees in the Bureau on certain classes of business,
as Railroads, Military, etc. shall be newly appointed every year,
and a division which on the 1st of January shall have to the Secretary
of State this body. The proportion of time to hours to be required
to each of the Bureau committees in a year, will be so arranged as to
have some business ripe for discussion at once.

The rules of the Council of State do not differ essen-
tially from those of the lower house. Both are characterized by
a desire to have matters carefully examined, and to give full op-

part in the discussion. In other words, the following
plan of action for the examination of this, and other questions
is to be carried out in view of:

Bill of Rights, proposed by the Swiss Federal
Council. In view of the following scheme
banning laws at once on the subject of political intervention but
in Switzerland the initiative power to be heard from before a
law can be finally submitted to the Diet. For fifteen days
the law may be said to be on probation, then if within that time
50,000 citizens demand it must be submitted to popular vote and
acceptance or rejection decided by that. + If a vote is demanded
the law is examined slightly by a council at the examination
of the law and placed on the statute book.

1. Swiss Parliament.

THE LAW AND THE PEOPLE.

— 12 — REAL ESTATE HIGHLIGHTS

THE STATE OF CALIFORNIA,

WITNESSETH, THAT WE THE PEOPLE OF CALIFORNIA,

HEREBY, DO MAKE, AND PROCLAIM, THE FOLLOWING:

ARTICLE 1. CONSTITUTIONAL CONFEDERATION.

ARTICLE 2. NATIONAL CONFEDERATION.

CONSTITUTIONAL CONFEDERATION.

ARTICLE 1. CONSTITUTIONAL CONFEDERATION.

SECTION 1. The State of California, and the other states, shall be connected together, in a federal union, by a compact, to be drawn up by the California Federal Assembly, and submitted to the people of each state for acceptance, in a sum of not less than 10,000 voters, and a majority.

When our delegates to the federal assembly, will be provided, and the bill of the compact submitted to the voters, in a sum of not less than 10,000 voters, and a majority, and the Assembly, so as to accept it, the legislation shall be submitted to the popular voice, and if a majority of citizens agree to have the constitution adopted, both National Council and Council of States underwritten - election and revision is and shall be in this new body.

The work of revision shall be done in the usual process of making law. The Constitution of 1850 was laid before the Assembly in the form of a motion of the National Council. This is referred to committee in each house and finally, voted on and

icle b' at all. The body is in full session. The revision is finally passed by the House and then be submitted to popular vote. If it receives the approval of a majority of all the people and of the Swiss, and a majority of all the Cantons the revision becomes law and goes into effect as soon as promulgated by the Federal Council.

In determining a majority of Cantons those which are divided count as two half votes and the result of the popular vote in each Canton counts as one voice of the state.

It will be seen from this that the Federal Constitution of Switzerland is brought nearer to the people than that of the United States, which is adopted by the legislatures alone of the various states. Also that it is not as difficult to change by reason of the fact that the voting is all done on one day and opposition can be carried on in one campaign as it were. Instead of four legislatures to be dealt with separately, one single electorate can decide according to the voice of other states, a whole people is called upon to express its opinion at one time and the personal bias is diminished by analysis of the vote. There is a possibility that one third of the Cantons constituting a majority of the citizens might be overruled by a minority in the remaining states, but such a conflict is highly improbable as it would require those Cantons to vote solidly on one side allowing for

to the division of labor. In the very similar case of
coincident demand in the job market, the two firms are
coincidently less popular amongst all

2. An interesting account of the relationship between law
making, local community and the state, is to be found in
Coti, *Gesellschaft und Staat im alten Rom* (1928).

THE FEDERAL EXECUTIVE COUNCIL (THE COUNCIL).

The highest executive body of the Confederation is the Executive Committee chosen by the Federal Assembly in joint session and called the Federal Council. 1

This Council consists of five members, all of whom are elected at the beginning of each term of the legislature of the National legislature and hold office for four years. An Swiss citizen who is qualified to sit in the National Council is also eligible to the council, except that persons born by blood or marriage, or two persons from the same family cannot be elected to the same place. One of the Federal Council shall not at the same time hold any office in the State or Federal, nor engage in any other occupation or exercise a profession. They receive a salary from the Federal Budget. 2

The chairman of the Council is also chairman of the legislature and is known as the President of the Confederation. His alternate is called Vice-President of the Federal Council. The ordinary President cannot be placed with another in the same office or that of Vice-President for more than one year. 3

1. Federal Council. Article 55-104.

2. Salaries are fixed, and does 10,000 francs each, with 1,00 francs additional for the President. In like manner, 1,400 francs.

Article 103 of the Swiss Federal Constitution.

The Federal Council is integral, administrative affairs of the Confederation, except a national election in council of the members of the Federal Council as well as the case of political neutrality.¹ Since the composition of the Executive is somewhat varied, it is desirable to look into its functions more particularly.

1. It conducts federal affairs, conformably to the laws and regulations of the Confederation.
2. It takes care that in this direction, federal laws and ordinances, and also the provisions of federal concordats, are observed; upon its own initiative or upon complaint, it takes measures necessary to cause these institutions to be observed, unless the consideration of redress be sought on this subject, which should be brought before the Federal Court, according to Article 113.
3. It takes care that the Confederation is carried out in accordance with.
4. It introduces bills to regulations in the Federal Assembly, and gives its opinion upon the proposals submitted to it by the Commissions or the Cantons.
5. It executes the laws and regulations of the Confederation and the judgments of the Federal Court, and also the commissions or decisions in arbitration upon disputes between Cantons.

¹ Fed. Const. Art. 103.

- I make a final and final declaration to the Federal Assembly, that Federal Assembly, Federal Council, and the Swiss Confederation, in the present position, consider the Swiss Confederation (Austria, etc.) as a foreign power, and that the Swiss Confederation, in particular, shall not conclude any alliance with Austria, etc., in the future, and shall not conclude any alliances.
- I waives over the external affairs of Switzerland, over the maintenance of independence and neutrality.
- 10. I waives over the internal affairs of the Swiss Confederation, over the maintenance of peace and order.
- 11. In cases of war, the Swiss Federal Assembly is to instruct, the Federal Council shall be power to call the necessary troops and to appoint a general, in case of reservation that in small irradiation, or when the Confederation is in number of troops exceeds to ten thousand men, or if they remain in a time more than three weeks.
- 12. I nominate over the military establishment of the Confederation, and all other substances of military, to be committed to the Confederation.
- 13. I examine particular and ordinances which can not be submitted to this assembly; in such circumstances will be left to the department of justice, and according to such a principle under its control.

14. I continue to find it difficult to conceive of principles which can be applied in the case of a general strike.

15. I hope this is a general and official statement, and that you will accept it.

16. I submits to the Federal Assembly each year a statement of the situation and a report of the condition of the Confederation, in full as far as possible, and calls attention to the near possibility of an impossible situation, provision of general relief.

I also make special representation to the Federal Assembly or either Council according to.

For the more convenient transaction of business the work of the cabinet is divided in seven departments having one Commissar at the head of each. The principle of rotation is neither established by the Constitution nor by usage, as in the United States, but by order of the Federal Council itself. A re-adjustment of the departments took place in January last, and the order is now as follows:⁴

Department of Foreign Affairs,

4 Amtliche Sammlung H. F. K. 107. Wolf p. 1.

Department of the Interior,
Department of Justice and Police,
Department of Native Affairs,
Department of Labour and Finance,
Department of Industry and Agriculture,
Department of Posts and Telegraphs.

All the administration is thus divided up, and heads of departments are not in law the final authority upon questions decided. Decisions must proceed from the Council as a body. All matters direct to the cabinet are opened by the President and by him assigned to the proper department for consideration. The secretaries then decide points coming before them and order their execution if need, if not, or so disposed, be on the understanding that a view of the whole Council is held in reserve for use when called for. *

It will be observed that although the members of the Federal Council have similar rights to those of the Cabinet of the United States government, theographical bases upon which they rest and the sources of responsibility are widely different. In America, as it is, in fact, in all monarchical governments, the law. Const. Art. 103.

* Law of Organization. Antiq. Statute 1. . III, . 0.

executive power is vested in the President, who is the chief executive and the chief legislative, but the Council of State and the Council of the Confederation shall be the chief of his chief. The various secretaries are answerable for their conduct of office to no one but the President of the United States, and upon him their tenure depends.

But in Switzerland the Federal Cabinet is a creation of the Federal Legislature. The Swiss Government holds a regular commission. Tenure of office is not dependent on the President but is fixed by a Commission at a definite term of years. Revision is possible but always at the hands of a new Legislature. Practically, cabinets in America have a fixed term of four years, but like a faithful official has a legal claim upon a three years tenure, which he may not deprive of except by decree of court.

Neither is it a legislature which gives and falls with the measures which it adopts. It is itself, like a body corporate, for the majority which does not feel will always resign when one of its bills fails to pass. The proposal of legislation is one of the duties laid upon the Council. It is expected to lead the way in making an changing Federal law, but it has no democratic rights of initiative even within its own party. Any member of the Chamber may move the adoption of a bill, but all are sub-

in a general political opinion, and to win a
cabinet in time. The Budget is especially important in this
connection, as it represents the main element in
the financial management of the finances. In short, all bills, main-
taining in importance, the budget, especially in
the Council of the State, and the budget of the Council of the State.

Then, the V. R. may be called off, approved by the cabinet
and rejected by the Legislative Assembly. The result
was not satisfactory. Self-government is not called in
question because it were located in the purpose of living
the fiction of opinion and legislative proposal. And this opinion
does not affect the law of the Legislative Assembly, and those bills
which will be acceptable. Then, the cabinet, the ministers re-
sign in account of dissatisfaction with callings, or with the
majority, and they are called, and as long as they desire
to place. Men who have proved capable authors are kept
in office. After this, one of the cabinet of 1990 one member
in service since 1993, another since 1995 and nearly all more than
one year. This long time has been part, and it is clear that
the same party occupies or it has been in power more of the
time; but perhaps have no claim to the budget and control of
the administration, for when a minister is appointed to the budget and
the budget. It has happened that a good executive abilities have
brought men of different political views into the same cabinet. Then, when

Top secret and good for 1 year.

It will be observed that according to a "cabinetistic" in our language. Within the rapid and the fluctuations, one of the chief objections to parliamentary government, a form of government with a fixed term of office, the cabinet is irresponsible has opportunity once in four years to renew the national executive, public opinion can judge, and dismiss it so, if it chooses to do so, keeps the chief office in a place of responsibility.

Consequently the administration of affairs has reached a high degree of perfection. The Cabinet officers are, it is true, more like the heads of Bureaux in our country, than like the political ministers of France or England. They are immediately in contact with a host of various departments, all subordinate and directors of policy. Hence two kinds of abilities are called for which are not always to be found in the same person, namely, abilities to handle and to police, and to fill up the different departments. The difficulty of this, however, is not so great, as some have a certain literary and scientific administration, but in all departments, the succeed in showing remarkable talents of a different kind. It can also be said that the principal incidents of our political life are now, but in honor selected to a cabinet office and responsible for

6

THE FEDERAL JUDICIARY (Bundesgericht).

If space allowed a most interesting chapter might be written at this point on the history of federal courts in Switzerland. It offers a valuable subject for study in the development of legal institutions. But it must suffice to say, that, at the very beginning of the Confederation in the thirteenth century, a method of settling inter-state disputes was organized, which, though it took the rude form of committees of referees, chosen as the occasion demanded, contained the germ of the modern federal court. Its growth as an independent institution however, was not vigorous. The tendency in modern times, was to make the Federal legislature the final resort on most questions of law, but the revision of 1874 finally placed it upon a more logical basis.

The Bundesgericht as now constituted, consists of nine judges and nine alternates, all of whom are elected by the Federal Assembly for terms of six years. The election is open to any Swiss citizen who is qualified to sit in the National Council, but in making choice the legislature must see that all three national languages are represented and that the judges are in no way related to each other. A President and Vice President are also chosen from among these for terms of two years. The alternates are persons who are called in on occasions where the regular judges are

urable as five. The court consists of the members of the necessary clerks. The salaries are \$2,000 for each judge with \$200. additional for the President during his term, while the determinates are paid by compensation as occasion demands. Judges may not sit in either house of the Federal legislature nor engage in any business or professional occupation.

The civil jurisdiction of the Bundesgericht, as a court of first instance considers disputes between

1. The Confederation and the Cantons.

2. Between the Confederation on the one hand and Corporations or individuals on the other hand as plaintiff when the amount involved reaches 3,000 francs.

3. Between different Cantons, but only on questions of private law and when the complaint is made against the fiscal administration.

4. Between Cantons on one hand and Corporations or individuals on the other when the amount in controversy is at least 3,000 francs and one party has appealed.

5. Between communities or different Cantons on questions of citizenship.

6. Appeals by Cantons from decisions of the Federal Council on matters relating to the civil rights of persons who have no legal residence (Heimatlosigkeit).

The Federal Court has jurisdiction in the following cases: 1. Cases relating to the Federal Railroads, which are not related entirely to railroads, including expropriation, rates of fares with the state and individuals, and the liquidation of these corporations.

As a result of revising the Federal Constitution, there are certain cases from General jurisdiction which are now to come under the Federal Court.

The Criminal Jurisdiction of the Federal Court covers

1. Offenses against the Constitution, including violence and against Federal Authorities.

2. Violation of International Law.
3. Political Crimes which have come under intervention.
4. Cases where a Federal official has been held over to the court by the authority which appointed him.
5. Other criminal cases which are referred to the Federal Court with the consent of the Federal Legislature.

The Constitutional Jurisdiction includes

1. Conflicts as to competency between Federal and Canton authorities.

2. Constitutional and political conflicts between Canton, as for instance the interpretation of international agreements, conflicts of competence of cantonal authorities, boundary lines,

entitlement.

6. Complaining or incriminating or corroborating against violation of the rights guaranteed in Article 1 of the constitutional constitutions and in the Criminal Code.

The full content of criminal evidence is as follows: giving each act into three sections, the Chamber of Complainants, Criminal Chamber, and Chamber of Appeals. (Anklageschreiber, Kriminal-kanzlei, Revisionskanzlei). All but the last consisting of three members each. The last is in charge of the final report in criminal matters in cooperation with Prosecutors and Court Judges.

In Constitution is divided into five large Federal Districts. (Assimilations.) The trial of criminal cases starts from time to time in each. In trial all cases is always conducted before a jury made up from a list of persons especially elected. The Government does not always act in attorney but appoints an advocate in such case.

When considering civil and constitutional matters the court of first instance is held, but the presence of a vice judge is sufficient. Hence the title of a so-called *one-man court* is really called upon in the next city for this application is quite doubtful.

1. Federal Juries are selected in each district in proportion of one to every 1000 inhabitants. Certain official classes the aged and sick are exempt, but all others selected are liable to jury duty during a term of six years.

In one respect the Swiss Federal Court is far behind from that of the United States. In the latter the constitutionality even of the laws of the highest legislature of the land can be brought in question and if such statutes do not agree with the Federal Charter or are declared invalid. But in Switzerland the Federal Court can only move within the limits set by the legislature. The Federal Assembly is declared to be the sole judge of the constitutionality of its measures.

While such a provision might be desirable in a country having no written constitution, it can not be said that in it is case, as Switzerland is secure in the constitutional rights as they will be under the control of an independent judicial body unswayed by the winds of politics. With all their facilities for revision of the constitution in the popular expression upon law, it would seem that the right of final interpretation should be left in claim rather than those of a congress.

THE FEDERAL ARMY.

Section 12. It is the privilege of the several
incorporations of the several states to make laws
regulating the organization of the militia of the state
which shall be adopted by the State, and coming into the civil
relationship.

With these provisions, we have now a recognized
institution. But the rights of the State, the State's police force
and the State's militia, are not the same. The State's police force
of course, is not liable to be called into the service of the State
of France, but not willingly. Before this time, the French
had no police force, except such as in Paris, and otherwise, in
central government, and in the provinces, but that of Germany
provides for. Now, in France, the State's police force,
the State's militia, the State's army, the State's navy, the
State's foreign service, and the State's diplomatic
service, are all under the command of the State, and the
State's police force, and other State's services, do no
void the State's laws.

On the other hand, the citizen is liable to military
service in the Federal army, making such a regulation, and by which
he is bound, to be liable to the laws of the nation, till, cloturing,
loss of weapon, the destruction of divisions, and in case of war, lack of
executive command. The Congress has its sole power in the administration

¹ Fed. Const. Art. 13.

² Fed. Const. Art. 16.

tion, it is to be available to the public in the principal cities and towns, and the offices of the corps, according to the following regulation: In important, battle, according to what is provided. Similarly, exemption is collected by the State (in Federal Finance) by electing in the first place by the central government. The latter maintains its establishments of the manufacture of cartridges, small arms and common, and holds a monopoly of powder, hence it is in a position to sustain the organization of corps, control over all its forces and to maintain them.

The organization of the Federal Army is carried out with labor of exemption. As stated above, every able-bodied citizen, not otherwise engaged in specified government service, must be enrolled in the service, no distinction in any form of the type of participation of the individual.

The forces are divided into three main field corps according to the size of their military organization. The active army, (Elite, Ausztr.) consists of all men liable to service between the ages of 20 and 30; the first reserve, national army, (Landwehr) is composed of those between the ages of 30 and 40, while the Landsturm or second reserve, which would be called out only in case of dire necessity, consists of all the men between the ages of 17 and 50, not otherwise enrolled in the Army or Landwehr.

Activity against *MRSA* in culture

First Harvey 60,715

Scope: Home Page

11.000 C. C. (Continued from page 11)

V = 0°,000 in. in. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12

Size = 3.000 mm. (1.181 in.) in. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12

Color = black, black

4. The name *Scapholeberis* was proposed by Heyne in 1874, in a list of new species, and in Annot. Scient. N. F. 1874. *Scapholeberis* is a line of names of species of *Volucellina* in Wolff's *Monographie*.

P E I B A L M I L A N C E S.

The general government is aiming to increase the source of revenue, and the following are the principal ones:—

Internal Revenue.

Produce and Importation,

Excise and Duties,

the Post Office, &c.,

On all of the Military Occupation Tax,

Contributions of the Citizens.

The general law on the contribution of horses, cattle, swine, buildings, publications, powder mills and other property, so far, which is progressive, is a law that is applicable to some of the Kingdom.

The law is applied in law so as to levy 1,000,000 francs and 10 francs per horse. The amount for capital invested in horses is determined by the value of the animal, and is 1,000 francs or less than, so from this a large amount may be deducted, which will be paid by the contribution.

The first and the second source of revenue is the tariff on imports. As soon as the new constitution comes into operation,

the law takes effect.

See Almanac of 1874, p. 103.

ONCE UPON A TIME, when the world was young, there was a country where the people were taxed on a single uniform plan, in place of a state system. The principles upon which this taxation was based were financial and in no sense prohibitive or protective. A tariff for revenue only was the character of the law passed in 1849 and that principle has ever since prevailed. Changes have been made at various times in the rates, to correspond with new commercial treaties; or some other legislation, but the endeavour to come as near free trade as good finance could allow has been faithfully adhered to. It has been an aim of the government to tax luxuries higher than the necessities of life, and so low as little burden as possible upon materials needed in the industries and agriculture of the country.⁴

In 1860 the results of one year's working of the tariff showed a gross sum of 10,000,000 francs.⁵ In ten years this amount was doubled and in 1870 had risen to 35,000,000.⁶

The amount of excess tariff is from that of England

⁴ Fed. Cons. Art. 29.

⁵ Volkswirtschaft Lexikon, p. 11.

⁶ Bericht des Schweiz. Finanzamts, 1870, p. 11.

Case 2, was taken to the following conclusions:

1. The error is about 10. 11. 1.

2. The error is about 10. 12. 1.

3. The error is about 10. 13. 1.

4. The error is about 10. 14. 1.

5. The error is about 10. 15. 1.

6. The error is about 10. 16. 1.

7. The error is about 10. 17. 1.

8. The error is about 10. 18. 1.

9. The error is about 10. 19. 1.

10. The error is about 10. 20. 1.

11. The error is about 10. 21. 1.

12. The error is about 10. 22. 1.

13. The error is about 10. 23. 1.

14. The error is about 10. 24. 1.

15. The error is about 10. 25. 1.

16. The error is about 10. 26. 1.

17. The error is about 10. 27. 1.

18. The error is about 10. 28. 1.

19. The error is about 10. 29. 1.

20. The error is about 10. 30. 1.

21. The error is about 10. 31. 1.

1,000 francs. +

the last tax is levied on all the land

which is not in the possession of the State.

As a result of this place, every individual in the colony
is liable to a tax of 10 francs on his land, and is liable
to be called out as occasion requires. Persons who wish to avoid
this inconvenience may tax themselves at the rate of 10 francs.

I consider this to be a sum of six francs, second,
providing two hundred and fifty francs for each household, francs
of no value, this, as income tax of one thousand francs more
hundred francs no income.

Proposed is a tax on 1,000 francs. The first 500
francs of income are exempt from this tax. The balance based
on any one man shall not exceed 3,000 francs a year, and from the
third, second to the fourth, in part of the annual contribution
which is to be paid. The income tax is the sum
part of the activities, specially called in extraordinary
circumstances. The first 500 francs are not to be taxed
twice the same year.

NOTE. In view of this, it is to be done in the following
all taxable property in the colony. The balance is. Ac-
cording to the *Scarf-Index*, 30,000 francs.

The support is levied on the following items:
1. Income from labor, whether it is a wage or a salary,
2. Income from capital, whether it is a profit, profession, business,
income, office or employment. The maximum income obtainable
from savings and direct, also necessary household expenses
and living expenses of a capital may be included in this. Annuities,
pensions, and other similar amounts are to included in the cal-
culation of income.

By a Swiss citizens who are residing abroad are liable
to the military tax. Lists are made out each year and notification
sent to the Canton where the person is a citizen. Parents
are responsible for their children and their sons who,
over 18 years, are in employment or in household.

The levy is made and the tax collected by the canton on
overseas, which retain one half of the gross receipts and remit
over half balance to the Confederation. The amount received by the
Federal government in 1911, was 1,553,650 francs.

ALCOHOL MONOPOLY.

A monopoly which has perhaps as close a relation to the
monies as in the Finance of the Confederation is the manufacture
and sale of spirituous liquors. In adjusting the complicated poss-

the first time, the following year, in 1851, in
which, among other things, a bill to prohibit
the sale of distilled liquors in the Canadian
economy, came into effect, was passed.

This action was immediately successful, and
continued to be so until the mid-nineteenth century, but it was a com-
mon occurrence, demanded a continual and only temporary, if a complica-
tive, alliance of central and local government. In a revision of
law, however, in 1868, the fifth year of the Confederation of a greater share of military affairs, the Canadas agreed to a pop-
ular act on liquor, effective from 1860. But this date was an-
ticipated, first by an amendment in 1859, which
placed the power of making general laws on the subject in the hands
of the Confederation, and a second by a statute adopted by popular
vote in 1858, which makes the manufacture of alcoholic liquors
a legal monopoly.

The principal features of the law are these: the right to
import or to manufacture distilled liquors belongs exclusively to
the Confederation; a tax above on foreign or home produce shall be
imposed on distilled liquors, and shall be collected by the Con-
federation.

~ B. C. Can. A. Art. 11. b. 3d. 11.

~ Distillation of certain liquors is subject to a provi-
sion, and is free of duty.

1. Value of commodity,

20. 7. 1940. - 2000 m. - 1000 m. asl.

Local conditions are little changed from last year, but
the vegetation is more xeric and more open.

There is a large increase in the number of
1,7,3,1c. fitnesses.

Considering the surviving individuals, the situation of Switzerland is not so bad as might be expected. It
is not very much in the condition of the old forest, a like
forest, on the Swiss Plateau, is mainly in view of the small size
of the stands, the small number of old trees, the hardon
area, and only a few old trees per hectare. If this is cor-
rect, the future of the forest is not so bad.

THE FEDERATION OF SWITZERLAND.

The political position of Switzerland has been in a state of flux ever since the second half of the 19th century. While the upper classes still had a Phœnician-like hold on the country, the middle classes, oppressed by a ruling landlord class, the natural resources being rapidly exhausted, suffered a steady decline; and in no more than a generation but a class of engineers, not only became an international police, but its legislators had guaranteed the full-willness of socialist ideas.

This policy since the beginning of the 19th century has been materialistic. The cause in each Switzerland has been the balance of power in Europe. Money has in soldi of all Swiss on his side had half won his battle in advance. After the unlucky outcome of the war in Italy at the battle of Magenta the Swiss did not interfere in the reign of the Cisalpine Republic, and when the Milan claims to be响起, with the exception of a brief and half-fatal exception, the principles of the Helvetic Republic his side had been adhered to. It soon its final struggle for the sake of the Communes of Ticino, which had the high commanding power, not only individual, but also, but also to defend the neutrality of Switzerland.

source of communication between the various countries of Europe.

Historical position of the Swiss in the question of abortion - Switzerland has a law which prohibits abortion, but the importance of the country's freedom of conscience.

Historical position of the Swiss in the question of capital punishment to revive its old request, to prohibit capital punishment itself and the execution law declared was but a private affair of the Swiss, now no longer forced.

The United States would seem to have had far greater than the experience of the evil of the death of the constitution protected similar provisions. That law was free in preventing temptation.

Switzerland has also recognized rights on the sea as a neutral nation, that which is first right might claim especially to a nation without a coast or a ship. That the commercial interests of the country, especially the interests of the people, are so great that in the other two become a matter of great concern. Hence the treaty of Paris of 1853 in regard to neutral ships, that does not allow of belligerents, blockade, etc. maintained by the Swiss in the surrounding.

Acting by reason of its central position, Switzerland has become particularly the official headquarters of international

Private. The Swiss are a people of moderation, and have always profited in much and the firm.

Hence arose the Convention at Geneva in 1863 for the improvement of the condition of the wounded in battle, and of the Swiss International Order of the Red Cross.

Hence also the Universal Postal Union, adopted in 1874, the central bureau of which is directed by the Swiss Government. Many other international matters in which more or less of the surrounding powers are interested find expression in treaties which include Switzerland, as the Rhine, Württemberg, Baden, the Gotthard Tunnel, Phylloxera, Railroad transportation, international copyright and the like.

Diplomatic relations are maintained with foreign countries by ministers plenipotentiary in France, Germany, Austria, Italy and the United States, while commercial affairs require the attention of consuls in all parts of the world.

It cannot be said that Switzerland has ever carried out a "brilliant" foreign policy. Acts of intervention and mediation in the affairs of nations have not been the vocation of so small a province, but the Swiss have stood gallantly for their own rights as occasion demanded, and especially for the right to make their country a asylum for the oppressed of every nation. This has not been an easy task, for vicious players may turn advantage of this

17. Oct. 1942. Satisfied with the design of the propeller, but the V-12 has not yet been mounted in the engine, and the propeller has not yet been mounted. The propeller is being tested in the wind tunnel, and the engine will be mounted in the aircraft.

18. Oct. 1942. V-12 engine mounted in the aircraft, and the propeller is being tested in the wind tunnel.

THE COMMERCIAL AND INDUSTRIAL SOCIETY.

1 Prof. Dr. A. Scholz.
 2 Amtliche Smglg. N. VI. 490, Wolf. 300.
 3 Amtliche Smglg. N. X. 15, Wolf. 305.
 4 Amtliche Smglg. N. F. III. 290, Wolf. 311.

Factor laws for a control and influence of saturation

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concentration of sulfates in the precipitation calculation,

2 W. C. Con. Ant. 6.

0.35 ± 0.12 ±

full, and so on, are required in some cases. In other cases
of course it is obvious that the financial aspect of the de-
partment must be considered in a proper place.

The monopoly of the telegraph established by the Federal
Law in 1851. At the time of the adoption of the Constitu-
tion of 1848, this kind of communication was not sufficiently
developed to gain recognition. It took its place naturally in the
revision of 1874.

The Confederation has the right to erect lines either
above or below ground without any disturbance, but always after con-
sultation with the cantonal or communal authorities through whose
territory it is proposed to pass. The officers and clerks
are Federal appointees, as in all Postal Functions, and subject
to all the laws governing civil servants of the State.

NOTE: A uniform tariff is established by the Postal Department in
all parts of Switzerland. For the sending of a message by tele-
graph two factors are the delivery within a radius of ten kilometers
and from the time of the sending time charge is as follows: (1) A
minimum of 50 centimes, (2) one centime; (3) each 100, in
1 Postal Law as is found in special handbooks issued by the
department and in Post. Monol. Soc.
2 See Federal Finance.
3 Application Sing. VII. 625. Wolf. 1901.

It is one of the most useful points of my financial section
lies in the regulation of the financial management of business am-
ounts. Federal law prescribes the method of keeping accounts
which railroads must follow, that shall be considered expense and
and how classified, that shall be considered profit and loss,

1. Rec. Conv. App.

As a result of this, the country is faced with a
grave financial crisis, and the only way to
get it out of it is to nationalize, and then to
expropriate all companies with balances due to the
Government. This is the only way to close out
the accounts of all companies with the following
After all, the price of a company before the Federal
Bankers can be determined by the amount of
shares and bonds outstanding. The amount of
shares and bonds outstanding is determined
in the same way that National Banks are controlled in the United
States.

The first and most important is obvious. The
privatization not only will be a waste of national resources
but it will, because of the present situation, be
a field for swindlers and dishonest people of ac-
counts. While gambling in rail and stocks cannot easily be done
away with, the manipulation of funds, the "hypothecation" of bonds,
and such contract juggling can be headed off.

The statistics of the subject, which the United States
government is endeavoring so hard to obtain by persuasion and only
partially succeeding, are in Switzerland, in the Swiss
Bankers' Association, in the Swiss National Bank.

Since 1878 the franc has been an exclusive coin of the Swiss Confederation. The coinage of the Swiss Confederation is now to be compared to that of the United States. The Swiss coinage is as follows: the coinage of Switzerland. The coinage consists of coins as Swiss and almost as many different coins and bases of value. From so many coins it was impossible to calculate the increasing and decreasing of the coinage, and if this could not be done, unless calculations were made. Difficulties were made to form this, by following the objective positions of the thirties. Under the new Confederation the number was simply made over to the Federal authorities and that, after due full consideration, adopted for distribution throughout Switzerland in circulation of France.

The unit of the is the Franc, divided into 100 centimes (Gros, Rappen) and coined in various metals which correspond in size and weight to the United States.

By the act of law Switzerland is to be in the International Union, so that now her coinage is on a uniform basis not only with that of France but also of Belgium, Italy, and Greece. 1. International Mon. Conf. 107. Appendix, 371, etc.

"The situation of the Swiss Confederation is as follows: The Constitution. The Swiss nation has no laws on any subject is carried out by the Cantons under the supervision of the Confederation".¹ This order of things was brought about finally in 1871. The Cantons have adopted by the stipulations of the Confederation endeavored to help uniformly toward uniformity by means of a Concordat, and are ready for the provision of the constitution of 1874 which gives to the Federal government the right to establish a central post office on the basis of the existing arrangements. But PostFinance was established in the Romaneo Cantons which was no small task, till the time it was put into the hands of the central government who had the right. The PostFinance was adopted and finally made official.

As a result of travel in the country people of the Confederation support and maintainance of such highways and bridges as contribute to the welfare of the Union. The care of roads is in the hands of the individual Cantons, but by keeping an oversight upon the difficulties of communication a certain degree of good highways is obtained. Works of a like nature are also supported in part by Federal contributions. Most of the mountain Cantons are civil and military roads for maintaining the

¹ Fed. Const. Art. 10.

Article 125. - The Swiss, ¹ in case of a Bill as
to the Swiss law for a Civil War. The Conference
for Industrial Discipline may decide on cases in
which the Swiss law is violated, or if the Swiss law
allows it not.

In general it may be said that the Confédération is em-
powered to assist in the construction of public works which exceed
the power of the cantons. In particular, the Swiss, protection
against avalanches, the construction of lifelines have had
the support of the Federal Government. In order to carry out
such projects, the Confederation may exercise for itself the right
of eminent domain, and in case an indemnification on part of a
Canton is necessary to the military interests of the country,
may forbid its construction.³

This circumstance evidently in the welfare of the
Confederation on this also a large place. In the Alps, large areas
of land must be cleared and open the snow. Melting and
mining and the protection of useful birds may also be made the
subject of national laws, as no man may exercise the right of hunting and

1. Fed. Const. Art. 31. 3. 1. Fr. 0,000

Gr. " " 0,00,000

Tessin 200,000

Wallis 20,000

2. Fed. Const. Art. 37.

3. Fed. Const. Art. 25.

an individual's knowledge in Canada, as well as
education. (See Canadian Code)

In the first Federation, in 1867, the
colonies were so small that they had not been
united in a Swiss conf. Schools and Universities had not all
united under one banner, and the Canadian people were in great
need of a leader. The head of the Canadian government, the Canadian Confed-
eration government, is a responsible government, the advancement of
learning and education is one of the primary objectives.

The constitution of 1867 provides the Federal govern-
ment with power and jurisdiction in a University. The
First was founded in 1868, the last University was founded in 1878.
The constitution of 1867 provides for the provisions for
education, by a clause left in addition to the existing Pol-
itical, in Conf. government, to establish universi-
ties and other institutions of higher education or, as they are
called, educational institutions. Parliament laid down a Con-
stitutional in every section, when establishing the whole
country, and by consequence, first of all, on all children of all
eligible children in the provision of schools. In the
Canadian as no child shall be denied education, if he or she
is fit for it.

1. Art. 12.

2. Fed. Con. Art. 27.

THE FEDERAL POLYTECHNIC IN ZURICH.

The Federal Polytechnic is a school of engineering, architecture, and applied science, situated in the Swiss city of Zurich. It is the largest and most important technical school in Switzerland, and is the only one of its kind in the country. The school is under the direction of a board of governors, and is supported by the Swiss government, the Swiss Federal Council, the Swiss National Bank, and the Swiss Society of Engineers and Architects. The school is located in the city of Zurich, and is the only one of its kind in the country.

The Confederation is represented in the Federal Polytechnic by 10,000 Swiss francs. It is also represented by a sum of over one hundred technical and industrial schools in the country, totaling 10,000 Swiss francs, and by a technical and vocational school, totaling 10,000 Swiss francs; it also has an important industrial corporation of national importance, called the Swiss Institute of Swiss Finances, which has a capital of 100,000 Swiss francs.³

The Swiss Federal Polytechnic is situated in the city of Zurich, Switzerland, and is the only one of its kind in the country. The school is under the direction of a board of governors, and is supported by the Swiss government, the Swiss Federal Council, the Swiss National Bank, and the Swiss Society of Engineers and Architects.

¹ Gross. Jahrbuch des Universitätswesens in der Schweiz. 1871.

² Law of June 30, 1871.

³ Letter of President, 1. V. Geolog. Commission in America. 1871.

EDUCATION AND RELIGION.

1 See "Hildegard Schmid" 1970.

$$- \frac{2}{3} \pi \cdot C \cdot \sin \cdot A \cdot \pi \cdot \pi = 0.$$

the same, and the same in-
cluding itself, is a right. This is still to be
involved in the law of the land, and that, in public
service shall be allowed to coincide with the right of all con-
fessions and of all religious convictions, of all
or violation of conscience.

In order to do this an amendment which might arise
from the rights of different confessions, the constitution pro-
vides that on a religious question of legislation, so the end of
the sixteenth year shall be determined by the faith of the pos-
sessor of a paternal authority.

The right of civil or political rights can not be
abridged by a law, but this is a peculiarly civil or po-
litical right. In other words, a man can be deprived of
his civil rights because he is, or because he claims to be, his
own master. So long as he is, or so long as he claims to be, his
own master, he has a right to his civil or political rights.
Even by the constitution of the only the Christian re-
ligion was recognized. In the same manner, the right to
the expression of the public opinion of a citizen. In all other
confessions it is to be allowed.

4. "The people of the United States shall not be denied the right".

It is the opinion of the committee that nothing
in the above, or in the Committee's own investigation, gives
an accurate picture of the situation. Scientific publications
can only thus be compiled on the basis of a number of
such studies, piecemeal and incomplete. (It would be more appropriate
scientific and non-combustible materials, including the hospital and
other similar properties.)

No available scientific or mechanical study
specifies the possible liability of any particular object which
is being manufactured. The problem can be divided in
that of the dangerous materials themselves and their change, and,
especially, the combination of a particular substance in a
quite difficult.

The Federal Council and the Federal Committee, however,
look on the different national committees as parallel
Committees on the subject of the same, and on which in common
sense the chairman is supported. It is to be noted that the parallel
scientific organizations have a large number of
common interests and civil properties, as walls, roofs, floors, or
structures for example, would not be destroyed by a special explosion
in Lundberg. Given the same kind of investigation.

2. Elements, etc.

and the Swiss Confederation, in particular. An examination of the political, economic and financial, in particular, relations of different states, and in particular, of the civil and ecclesiastical authorities, is indispensable in the civil government, as is the examination of the civil rights as by the Confederation. Appeals in civil cases are to be made to the Federal authorities, if a question of law is involved.

The examination of the religious situation in Switzerland is to be dependent upon the members of the Confederation. This is evident. The separation of civil and ecclesiastical affairs would arise after a biophilic inclined administration for improvement. Considerable trouble has been experienced in the Roman Catholic Church on this account. The Catholic church has paid no attention to national interests and in this regard necessarily to the religious divisions no little difficulty, etc., etc. has now arisen. (See p. 17.)

The order of jurisdictions and functions associated with the Confederation is to be determined in the Conf. and in its executive, in each of the various conf. provinces. The establishment of new provinces or the re-division of old ones, or a re-division is also to be decided. The examination of the law in Switzerland was

1. Fig. Const. Art. 15.

THE GOVERNMENT AND THE CITIZEN

IN INDIA

Having thus secured a general view of the Government of India, we may now consider, in detail, the condition of the Government in India in order to point out the best method of proceeding to secure its improvement.

The first step to be taken is to secure the personal development of the people, it will also be necessary to keep in mind all the social conditions of the country, citizen's welfare, the political and social development of the individual. In order to understand the political development of India, Governmental and territorial divisions of the country should be known.

In the case of the United Kingdom and the Swiss Government, the political and territorial divisions of the state, the administrative and civil service, the local

and the first place, the individual, the citizen, the

it is the religious cause, that can not be given
in concurrence. Swiss as I am one in the Swiss cause in the
U. S. is in full religious belief, that of concurrence and
choice of religion, have been sufficiently proved and are subject
of Canadian Secs. I would concede that no less as the Cana-
dians are in establishing religion, or vice versa, to support
the ministrations of all religious sects alike, than will be limita-
tions of religious liberty now known in the United States. But so
narrow a loose all the more freedom of all religious meetings so it never
brought violence a chance in law, or even in fact. So far as pri-
vate belief is concerned, no limitations are set, but as to taxa-
tion for religious purposes, complete freedom is set to be ob-
tained.

By removing the regulation of births and marriages
from all hands of any but the civil authority is a possible limi-
tation of religious liberty that is taken away, since ecclesiastical
powers might forbid the marriage of persons of different belief.
This was a source of irritation over me, often hardship in earlier
times, but now the "right of conscience stands and the protection
of the Constitution can no longer be limited by any restrictions
of an ecclesiastical or economic nature, nor on account
of the income, and U. S. Constitution, I. L. L. Digest, 172.

or previous treatment, and calling for medical treatment is
not, just for a legal reason, but also in this
relation, any artificial distinction between medical expenses or
contaminations by non-commission or criminal damage, or
by official conduct, legal damages fees, or similar demands.

The express opinion of the Federal Council of
the Conference in article 103 of the Constitution for
the criminal class of the civil service is made of the Constitutional
Governments, who will be liable which in its conduct be trans-
gressed the Federal Constitution. In this case, the Constitution
assumes right to punish persons which commit a civil against
itself, or the Federal officials. This right is made an instru-
ment of opposition, to the criminal damage. It is clearly
as indicable officials are liable for a violation, or to dis-
obey or hinder the execution of the laws, and when officials
are liable, said officials or not it does not the government,
but by the official or body injured.

The right of civil injury to the officials is common
in practice so long as their objects are no criminal or anti-social

¹ The. Const. Art. 50.

² The. Const. Art. 50.

³ Bundesstrafordl. Art. 127, 131, 132, 133.

• THE FEDERAL CONSTITUTION
•, THE FEDERAL CONSTITUTIONAL LIKES-
WISER WITH THE FEDERAL CONSTITUTION IN THE DISTRIBU-
TION OF GOVERNMENTAL POWERS, IN THE FORMULATION OF
THE CONFEDERATION.

I have referred to his action in regard of law, no citizen can be made to suffer before any other than the legal, con-
sidered natural of his place of residence. Hardship cannot
be thus imposed upon him by sending him in a distant and un-
inhabited place, but only before the proper judicial authorities
of the state. This was one of the great principles by which the
Confederate Constitution was to be founded in the first observ-
ing in the fourth article. The sole power of the central
government may not be invoked to restrain the "in non voce".
No army or military service may be exacted for special purposes,
nor shall ecclesiastical courts have any jurisdiction in civil
matters. Infringement of article 3, and all general powers are
forfeited. A sentence of death may not be pronounced for poli-
-
1. FED. CONST. ART. 3.
2. FED. CONST. ART. 3.
3. INSTRUCTION.
4. FED. CONST. ART. 3, S. 3.

call of men, to be used in the service of God, and to
of the 4th, to be in service of the people, and to
abolition of capital punishment, the 10th, in favor of A. B. C. D. E.
11th of July, no. 12, proposed to be called the "Bill of Rights"
in honor of the 12th of July, the day of the Declaration of
Independence. As a result the 12th of July, the day of the Declaration of
independence, is to be observed as the day of the birth of the
nation. As a result the 12th of July, the day of the Declaration of
independence, is to be observed as the day of the birth of the
nation.

Individual rights are civil, and in the domain of Commerce
and Property have been mentioned before, and it might then have
been observed that, while freedom of contract and free trade be-
tween states and, in general, unhampered personal action were
largely retained, in reality, the social options of the Con-
federation were the following: no monopolies and im-
pacts, imposed upon personal liberty in the shape of ini-
tiative, civil rights. There are no restrictions of personal
liberty, except that they may be imposed by personal
liberty.

Finally, as a consequence of the unified of popular rights,
Commerce, and the social options, the civil, the social, and liber-
ties and privileges combined in the Federal Constitution, has also
so more influence in the laws of the Constitution. In becoming
1. Fed. Const. Art. 5.

P I E L I O G I A P H R.

A + S 1200 12 the end 100.

B A W S A N T O I I T I A H R . P O L A S.

Samu d. 17. 10. 1907 1000 m. A. 1100
1100.

Scoring 1000 and 2000 m. B. 1100. M. 1100.

Land I. D. 17. 10. 1907 1100 m.

Local Cons i 1000 m. Giv. 1000 m. 1100.

Land I. D. 17. 10. 1907 1100 m. B. 1100. M. 1100.

(The 1100. B. 1100. C. 1100. M. 1100.

of P. and 1100 m. 1100 m.).

And the Scoring of 1000 m. B. 1100 m. M. 1100
1100 m. A. 1100 m. C. 1100 m. D. 1100 m.

Die Scoring which P. does not know. 1100 m. M. 1100

Am 1100 m. 1100 m. C. 1100 m. "Wolf".

He does not know a 1100 m. 1100 m. M. 1100
A. 1100 m. C. 1100 m. D. 1100 m. E. 1100 m.

Widg. 1100 m. 1100 m. M. 1100.

Widg. 1100 m. 1100 m. M. 1100.

Gosef "no to old man". 1100 m. 1100 m. 1100 m.
1100 m.

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II I A.

John Marvin Vining was born Dec 28, 1871, in Elmo, Ohio; received his early education in public schools of his place, teaching from the High School level to that of senior; graduated from Oberlin College, Oberlin, Ohio, receiving M. A. in course of three years, in course of the Spanish major; joined the faculty of Amherst College in the autumn of 1895, but was prevented by prostrating illness from finishing the year; in November 1900, settled at Toledo and spent seven months in travel in England, France, Italy, and Germany; spent the winter of 1901-02 in England at the University of Leipzig, the following summer in the Pyrenees and the Pyrenees and again at Leipzig, the first half of the place being in Berlin and Munich; returned after the meeting of the two and a half years and November in Liverpool, UK, arrived in Boston, and taught; received from Oberlin College in 1903 the A. M. D. and in 1905 the P. A. D.; appeared frequently in John Hopkins' "Review" in 1906, 1907, 1908, 1909, 1910, and 1911; was a member of the Board of Directors of the Amherst College; was a member of the Board of Directors of the Amherst College 1903-4 and 1905-6; was invited to take charge of the Library of the Department

OF THE UNIVERSITY OF CALIFORNIA, AND CONCLUDING
SINCE THE END OF THE TERM; IN THE UNIVERSITY OF CALIFORNIA,
SPEECHES AND LECTURES IN HISTORICAL PHILOSOPHY, & HAS BEEN AD-
DRESSED, IN CONVERSATION AND DISCUSSION, AND IN TEACHING IN HISTORY,
POLITICAL SCIENCE, AND IN THE FORMAL FIELD.

